

HELEN F. DALTON & ASSOCIATES, P.C.

ATTORNEYS AT LAW

80-02 Kew Gardens Road, Suite 601, Kew Gardens, NY 11415

Tel. (718) 263-9591 Fax. (718) 263-9598

May 13, 2022

Via ECF

The Honorable Judge Jesse M. Furman
United States District Court
Southern District of New York 40
Foley Square New York, New
York 10007

Re: **Flores et al v. Boro Concrete Corp. et al**
Civil Docket No.: 1:21-cv-05006 (JMF)

Dear Judge Furman:

Our office represents the Plaintiffs in the above-referenced matter and we submit this letter both as a status report and as a motion to request a two-week extension to file the anticipated settlement agreement and joint letter seeking Court approval of the settlement agreement.

As an initial matter, we apologize for not filing or otherwise notifying the Court by April 28, 2022 pursuant to DE #53. Our office had already calendared the submission of the settlement agreement for May 13, 2022 pursuant to DE #52 and overlooked DE #54 which had ordered the parties to instead follow DE #53. Pursuant to subsequent order, the submission was due today, May 12, 2022. We further apologize for not filing the instant request at least 48 hours in advance of the deadline as we had remained hopeful that the settlement agreement would be filed by today. As explained below, however, we have been unable to reach Defendants in order to submit the necessary documentation to the Court.

Our office requests the above extension as we have not received a response from Defendants' counsel in over two weeks despite multiple attempts to contact them. As of this writing, we remain hopeful that a settlement is still in place but we cannot confirm that due to the fact that we have not received any response from the Defendants since late April.

The parties were to appear before The Honorable Magistrate Judge Robert W. Lehrburger on April 14, 2022 for a Settlement Conference. However, as noted by Defendants' Motion to Adjourn Conference on April 13, 2022 at DE #51, the parties had agreed on a settlement amount and were in the process of working out minor payment details. As such, the parties did not believe the Settlement Conference was necessary and the Court adjourned the Settlement Conference (DE #52).

However, since that filing, our office has been trying to confirm the final remaining details of payment so that a settlement agreement could be finalized, signed and submitted to the Court.

Unfortunately, despite at least four separate e-mails and multiple phone calls to Defendants' counsel, we have not received confirmation as to the remaining settlement terms. We last heard from Defendants' counsel on April 26, 2022 when they advised that they were still following up with their clients. We had hoped to receive a response by today based on our most recent e-mails but we have not heard from Defendants as of this filing.

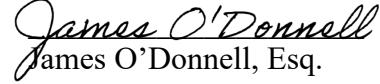
At this time, we do not know if the parties still have a settlement in place as we cannot confirm such with Defendants. As such, we respectfully request two weeks from today – or by May 27, 2022 – to hopefully confer with Defendants and submit the settlement agreement to the Court.

In the event that we do not hear from Defendants or are unable to submit the settlement agreement by the proposed extended deadline of May 27, 2022, Plaintiffs remain available to promptly proceed however this Court deems appropriate.

This is the first request for an extension of time to file the settlement agreement although the Court already extended this deadline *nunc pro tunc* on May 5, 2022. This request will not affect any other dates or deadlines.

We thank the Court for its consideration and remain available to provide any additional information.

Respectfully submitted,


James O'Donnell, Esq.

Via ECF:

All Counsel of Record

Application GRANTED *nunc pro tunc*. The Clerk of Court is directed to terminate ECF No. 56.

SO ORDERED.


May 13, 2022